

Overview of Candidate Conservation Agreements

Wyoming Ecological Services Office
Cheyenne, Wyoming

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What are Candidates?

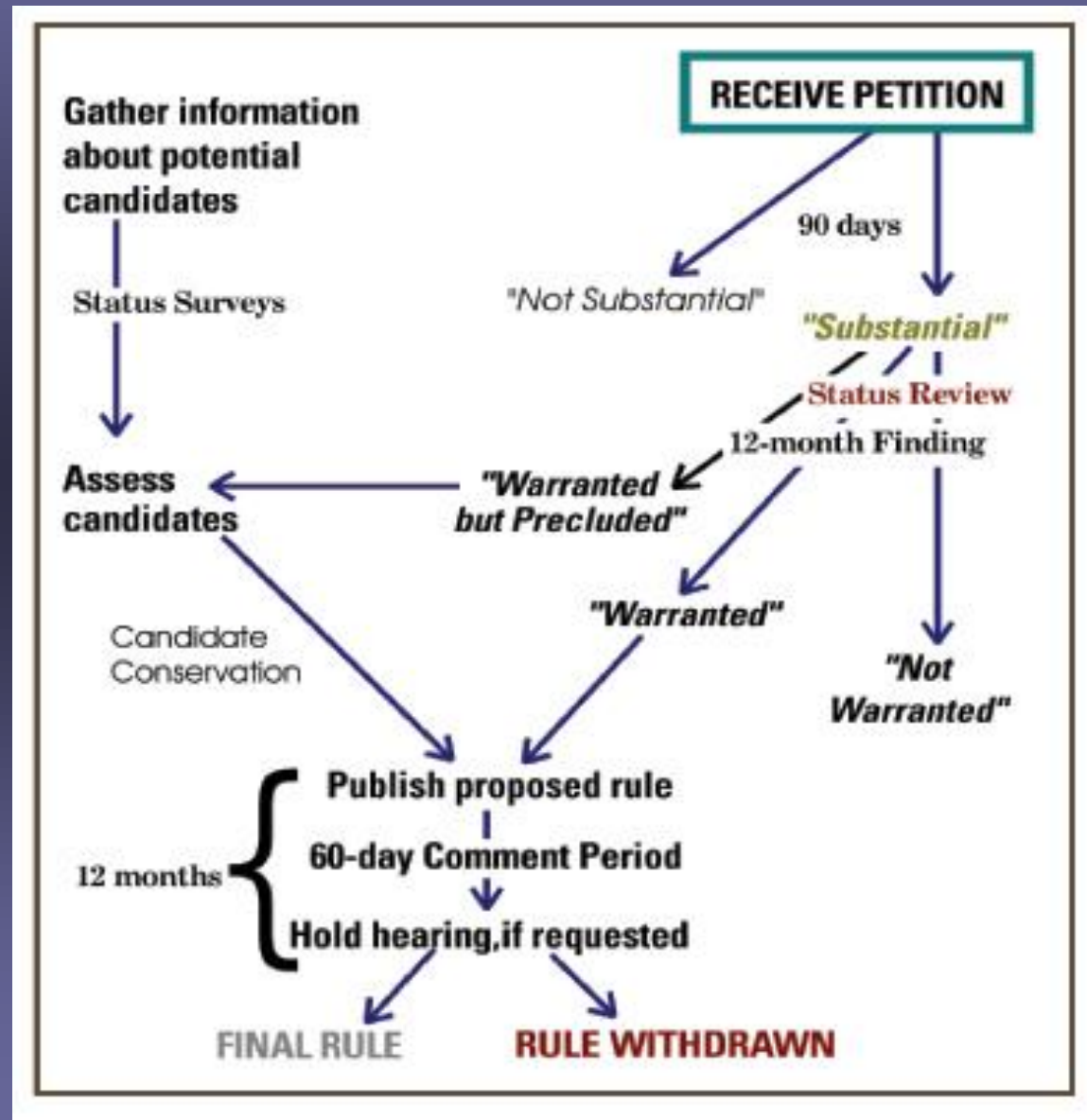
Candidate has a specific definition under the ESA, but under the Candidate Conservation Agreement program can also include:

- Species of concern from the State (e.g., Greater sage-grouse)
- Species of concern from the BLM (e.g., precocious milk vetch)
- Species of concern from the Forest Service (e.g., Northern Goshawk)
- Or, it may be a an actual Candidate Species from the U.S. Fish and Wildlife Service (e.g., population of yellow billed cuckoo)

How it all fits together

Proactive
conservation

Species at risk
can also be included



Listing Factors

- A. Present or threatened destruction, modification, or curtailment of habitat or range
- B. Overuse for commercial, recreational, scientific or educational purposes
- C. Disease or predation
- D. Inadequacy of existing regulatory mechanisms
- E. Other natural or human factors affecting species continued existence

Candidate Conservation Agreements with Assurances (CCAA)



- Conservation on non-Federal lands critical to biodiversity & meeting the purpose of the Endangered Species Act
- Non-Federal property owners agree to conduct (or not conduct) certain activities that may preclude the need to list

CCAA Purpose

Conserve target species on non-federal lands while allowing for human activities

CCAA Goal

- Cooperative conservation on non-federal land
- Reduce or remove threats to the species



CCAA Standard

If the benefits of the conservation measures in the agreement were implemented on other similar

properties, there would be no need to list the species



How do CCAA's work?

- It's simply a conservation agreement
- Landowner agrees to implement actions to conserve species
- FWS provides the regulatory assurance that land-owner will not be "penalized"
- Landowner receives Sec. 10 permit if the species listed



When is a CCAA appropriate?



- Threats/requirements of species known
- Can determine conservation measures to reduce/remove threats
- Have willing partners/landowners

Right Tool?



- Policy allows for flexibility to accommodate circumstances
- Agreement guided by what is needed to meet the standard:
 - “The benefits of the conservation measures... would remove the need to list the covered species.”
- This may require habitat restoration, increased population size, removal or prevention of threats
- Typically requires landowner action

Section 7, 9 and 10 of the ESA

Section 7 of the ESA outlines activities required of Federal agencies - and provides in many ways, via Incidental Take and Conservation Measures, similar assurances to a CCAA - but through a different vehicle relevant to federal lands.

Section 9 of the ESA outlines "prohibited acts".

Section 10 of the ESA outlines "exceptions" - Under a CCAA, a Section 10a(1)A permit is issued that permits certain normally prohibited acts (e.g., take of a covered species).

CCA without Assurances

- Can apply to any landowner/manager
 - Does not go through Fed Reg process
 - Does not issue a permit for take
 - Privacy
- No assurances if species is listed, FWS may ask for more CMs
- Federal agencies do not seek assurances
- CCA can be developed to CCAA standard to be seamless across landownership

<u>ITEM</u>	<u>CCAs</u>	<u>CCAAs</u>
Voluntary?	<i>Yes</i>	<i>Yes</i>
Who/what lands are eligible?	<i>Federal and non-Federal entities and lands</i>	<i>Non-Federal property owners / lands</i>
Policy? Regulations?	<i>No policy Sec.7 regs</i>	<i>CCAA policy 50 CFR 17.22(d)</i>
Standard?	<i>No standard</i>	<i>CCAA standard</i>
Sec. 10(a)(1)(A) permit for take?	<i>No</i>	<i>Yes</i>
Regulatory Assurances?	<i>Yes/No (Sec. 7)</i>	<i>Yes</i>

When listing happens:

- Federal agencies need to comply with section 7 (a)(2) (protection from adverse effects of Federal activities)
- Management flexibility reduced (but ESA does have provisions for nearly all projects to move forward).
- ESA applies to all lands

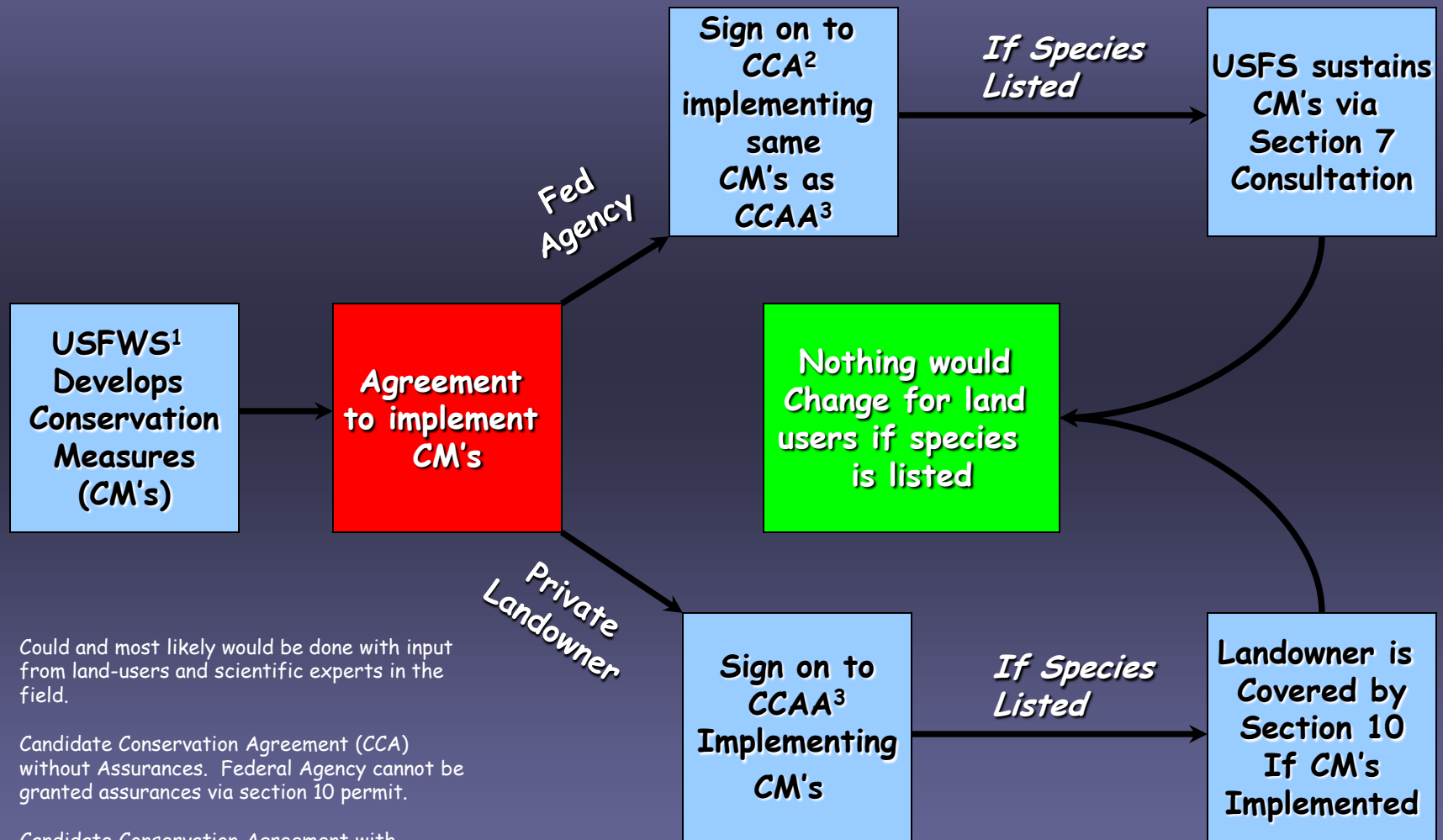
Federal Partners - CCAs

Federal agencies have specific responsibilities under ESA and cannot receive assurances



- Federal agencies **can** develop a CCA to be implemented with CCAA
- If the CCA meets CCAA standard and species is listed, the CCA rolls into section 7 consultation

Conceptual Process for Providing Regulatory Assurances under ESA for Mixed Land-ownership



- 1) Could and most likely would be done with input from land-users and scientific experts in the field.
- 2) Candidate Conservation Agreement (CCA) without Assurances. Federal Agency cannot be granted assurances via section 10 permit.
- 3) Candidate Conservation Agreement with Assurances (CCAA). Provides non-federal landowner with assurances that there will be no requirements beyond the agreed to CM's if the species were eventually listed under ESA.

Questions or More Information